

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	No. 1:10-CR-30
v.)	
)	Chief Judge Curtis L. Collier
CHARLES KINSEY)	
)	

ORDER

On August 4, 2010, United States Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation (“R&R”) recommending (a) the Court accept Defendant’s plea of guilty to Count One of the Indictment in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant remain on bond pending sentencing (Court File No. 683). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge’s report and recommendation with the corrections described below.

At the arraignment hearing, Defendant pleaded guilty to **Count Two** of the Indictment, knowingly using and carrying a firearm during and in relation to a drug trafficking crime in violation of Title 18, United States Code, Section 924(c)(Court file No. 21). The written plea agreement also reflects Defendant’s intent to plead guilty to **Count Two** (Court File No. 23). **Therefore, to the extent the R&R reflects Defendant’s guilty plea to a lesser included offense in Count One, this is incorrect and should be replaced with “Count Two.”**

Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s report and

recommendation with these modifications pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to **Count Two** of the Indictment, in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in **Count Two** of the Indictment;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN ON BOND** pending sentencing on **Friday, December 3, 2010, at 9:00 a.m.**

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE